

**U.S. District Court
United States District Court – District of New Mexico (Las Cruces)
CRIMINAL DOCKET FOR CASE #: 2:24–mj–01070–DLM All Defendants**

Case title: USA v. Lopez–Silva

Date Filed: 07/24/2024

Other court case number: 2:19–mj–30653 USDC, E. District of Michigan, Southern Division Date Terminated: 07/25/2024

Assigned to: Magistrate Judge
Damian L. Martinez

Defendant (1)

Juan Gabriel Lopez–Silva
TERMINATED: 07/25/2024

represented by **Joe G Jacinto**
Federal Public Defender
506 S. Main
Suite 400
Las Cruces, NM 88001
575–527–6930
Fax: 575–527–6933
Email: joe_jacinto@fd.org
LEAD ATTORNEY
ATTORNEY TO BE NOTICED
*Designation: Public Defender or Community
Defender Appointment*

Pending Counts

None

Disposition

Highest Offense Level (Opening)

None

Terminated Counts

None

Disposition

**Highest Offense Level
(Terminated)**

None

Complaints

8:1326(a)(1) & (2) Reentry After
Deportation; 18:111(a)(1)
Assaulting, Resisting or Impeding
Certain Officers or Employees

Disposition

Plaintiff

USA

represented by **Grant Gardner**
DOJ–USAO
200 N Church Street
Las Cruces, NM 88001
575–640–6033
Fax: 575–522–2391
Email: grant.gardner@usdoj.gov
LEAD ATTORNEY

*ATTORNEY TO BE NOTICED**Designation: Retained*

Date Filed	#	Docket Text
07/24/2024		Arrest of Juan Gabriel Lopez–Silva (vrr) (Entered: 07/24/2024)
07/24/2024		Set/Reset Hearings as to Juan Gabriel Lopez–Silva: Initial Appearance – Rule 5 set for 7/25/2024 at 09:09 AM in Las Cruces – 340 Sierra Blanca Courtroom (North Tower) before Magistrate Judge Damian L. Martinez. (vrr) (Entered: 07/24/2024)
07/25/2024		Attorney update in case as to Juan Gabriel Lopez–Silva. Attorney Grant Gardner for USA added. (nr) (Entered: 07/25/2024)
07/25/2024	<u>1</u>	ORDER APPOINTING FEDERAL PUBLIC DEFENDER Joe G Jacinto for Juan Gabriel Lopez–Silva by Magistrate Judge Damian L. Martinez (nr) [THIS IS A TEXT-ONLY ENTRY. THERE ARE NO DOCUMENTS ATTACHED.] (Entered: 07/25/2024)
07/25/2024	<u>2</u>	Rule 5 Documents Received as to Juan Gabriel Lopez–Silva (nr) (Entered: 07/25/2024)
07/25/2024	<u>3</u>	Clerk's Minutes for proceedings held before Magistrate Judge Damian L. Martinez: Identity/Detention Hearing for Rule 5, Initial Appearance in Rule 5 Proceedings as to Juan Gabriel Lopez–Silva held on 7/25/2024 (Recording Info: LCR: Sierra Blanca) (Interpreter: Rachel Albin) Pursuant to the Due Process Protections Act, the Court confirms the United States' obligation to produce all exculpatory evidence to the defendant pursuant to Brady v. Maryland, 373 U.S. 83 (1963) and its progeny, and orders it to do so. Failing to do so in a timely manner may result in consequences, including but not limited to, exclusion of evidence, adverse jury instructions, dismissal of charges, contempt proceedings, or sanctions by the Court. (nr) (Entered: 07/25/2024)
07/25/2024	<u>4</u>	WAIVER Of Rule 5 & 5.1 Hearings by Juan Gabriel Lopez–Silva (nr) (Entered: 07/25/2024)
07/25/2024	<u>5</u>	COMMITMENT TO ANOTHER DISTRICT as to Juan Gabriel Lopez–Silva. Defendant committed to District of Eastern District of Michigan. by Magistrate Judge Damian L. Martinez (nr) (Entered: 07/25/2024)
07/25/2024		NOTICE to Eastern District of Michigan, Southern Division of a Rule 5 or Rule 32 transfer as to Juan Gabriel Lopez–Silva. Your case number is: 19–MJ–30653. Please use PACER Court Links to access the public docket and documents. Any necessary sealed or ex parte documents will be sent in a separate email. (If you wish to designate a different email address for future transfers, please send your request to InterdistrictTransfer_TXND@txnd.uscourts.gov.) (nr) (Entered: 07/25/2024)

UNITED STATES DISTRICT COURT DISTRICT OF NEW MEXICO					
Before the Honorable DAMIAN L. MARTINEZ					
CRIMINAL CLERK'S MINUTES at Las Cruces					
Case Number:	24-1070 MJ	Date:	7/25/2024	Recording Information:	LCR SIERRA BLANCA
Clerk:	B. WILSON	Type of Hearing:	INITIAL/IDENTITY/DETENTION – RULE 5		
Defendant(s):		Attorney(s):		Appt'd.	Ret'd.
JUAN GABRIEL LOPEZ-SILVA		DAVID BENATAR, FPD STANDING IN		<input type="checkbox"/>	<input type="checkbox"/>
				<input type="checkbox"/>	<input type="checkbox"/>
Assistant U.S. Attorney:	CHRISTOPHER MCNAIR	Interpreter:	RACHEL ALBIN		
Probation Officer:	MONICA HOYLE	Court in Session:	9:53-9:56; 10:16-10:23 A.M. 7 MIN		
<input type="checkbox"/>	Agent sworn in open Court				
<input checked="" type="checkbox"/>	Court questions Defendant regarding his/her physical and mental condition, age, education				
<input checked="" type="checkbox"/>	Court advises Defendant(s) of possible penalties and all constitutional rights				
<input type="checkbox"/>	ORAL Motion for Detention Hearing by Government				
<input type="checkbox"/>	Court grants <input type="checkbox"/> Government's <input type="checkbox"/> Defense counsel's oral motion to continue detention hearing				
<input type="checkbox"/>	Waiver of show cause/detention hearing; Matter referred to the District Judge for a Disposition Hearing				
<input type="checkbox"/>	Defendant admitted violation; Matter referred to the District Judge for a Disposition Hearing				
<input type="checkbox"/>	Set for				
<input checked="" type="checkbox"/>	Defendant in custody				
<input type="checkbox"/>	Conditions of Release continued on Page 2				
<input checked="" type="checkbox"/>	Other: DEFENDANT WAIVED IDENTITY/DETENTION HEARING AND WILL BE TRANSFERRED BACK TO THE DISTRICT OF MICHIGAN.				

UNITED STATES DISTRICT COURT

for the
District of New Mexico

United States of America
v.
JUAN GABRIEL LOPEZ-SILVA

Defendant

Case No. 24-1070 MJ

Charging District's Case No. 2: 19-MJ-30653

WAIVER OF RULE 5 & 5.1 HEARINGS
(Complaint or Indictment)

I understand that I have been charged in another district, the *(name of other court)* Eastern District of Michigan

I have been informed of the charges and of my rights to:

- (1) retain counsel or request the assignment of counsel if I am unable to retain counsel;
- (2) an identity hearing to determine whether I am the person named in the charges;
- (3) production of the warrant, a certified copy of the warrant, or a reliable electronic copy of either;
- (4) a preliminary hearing within 14 days of my first appearance if I am in custody and 21 days otherwise — unless I am indicted — to determine whether there is probable cause to believe that an offense has been committed;
- (5) a hearing on any motion by the government for detention;
- (6) request transfer of the proceedings to this district under Fed. R. Crim. P. 20, to plead guilty.

I agree to waive my right(s) to:

- ☐ an identity hearing and production of the warrant.
- ☐ a preliminary hearing.
- ☐ a detention hearing.
- ☒ an identity hearing, production of the warrant, and any preliminary or detention hearing to which I may be entitled in this district. I request that those hearings be held in the prosecuting district, at a time set by that court.

I consent to the issuance of an order requiring my appearance in the prosecuting district where the charges are pending against me.

Date:

7/25/24Juan Lopez Silva

Defendant's signature

Joe Jacinto

Signature of defendant's attorney

Joe Jacinto

Printed name of defendant's attorney

UNITED STATES DISTRICT COURT

for the

District of New Mexico

United States of America)

v.)

Case No. 24-1070MT

JUAN GABRIEL LOPEZ-SILVA)

Defendant)

Charging District's

Case No. 19-MJ-30653

COMMITMENT TO ANOTHER DISTRICT

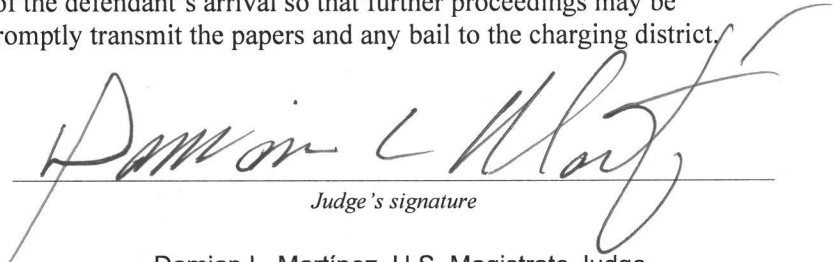
The defendant has been ordered to appear in the Eastern District of Michigan,
 (if applicable) Southern division. The defendant may need an interpreter for this language:

The defendant: ☐ will retain an attorney.
☐ is requesting court-appointed counsel.

The defendant remains in custody after the initial appearance.

IT IS ORDERED: The United States marshal must transport the defendant, together with a copy of this order, to the charging district and deliver the defendant to the United States marshal for that district, or to another officer authorized to receive the defendant. The marshal or officer in the charging district should immediately notify the United States attorney and the clerk of court for that district of the defendant's arrival so that further proceedings may be promptly scheduled. The clerk of this district must promptly transmit the papers and any bail to the charging district.

Date: 7/25/24



Judge's signature

Damian L. Martínez, U.S. Magistrate Judge

Printed name and title